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                                UNITED STATES DISTRICT COURT
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                                       DISTRICT OF NEVADA
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    AHMAD MALIK BOWMAN.
                                                  Case No. 2:23-cv-01741-BNW
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           Plaintiff.
                                                  STIPULATION TO VOLUNTARY
13
                                                  REMAND PURSUANT TO SENTENCE
                  v.
                                                  FOUR OF 42 U.S.C. § 405(g) AND TO
14
    MARTIN O'MALLEY.
                                                  ENTRY OF JUDGMENT FOR
                                                  PLAINTIFF
    Commissioner of Social Security,<sup>1</sup>
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           Defendant.
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           The parties, through their respective counsel, stipulate to the following matters. The
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    Commissioner's final decision should be reversed and remanded for further administrative
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    proceedings before an Administrative Law Judge (ALJ). The ALJ should further develop the record,
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    as appropriate, and issue a new decision. The ALJ should obtain additional vocational expert
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    <sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Under Fed. R.
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    Civ. P. 25(d), Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit.
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    No further action need be taken to continue this suit because of the last sentence of section 205(g) of
    the Social Security Act, 42 U.S.C. § 405(g).
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testimony and identify a significant number of jobs available in the national economy that Plaintiff can 1 perform. The ALJ should reevaluate the step-five findings, as necessary. 2 Remand should be made under sentence four of 42 U.S.C. § 405(g). See Melkonyan v. Sullivan, 3 4 501 U.S. 89 (1991). Plaintiff should be entitled to reasonable attorney fees and expenses pursuant to 5 28 U.S.C. § 2412(d), upon proper request to this Court. Plaintiff should be entitled to costs as 6 enumerated in 28 U.S.C. § 1920, under 28 U.S.C. § 2412(a). 7 The parties further request that the Clerk of the Court be directed to enter a final judgment in 8 favor of Plaintiff and against Defendant, reversing the Commissioner's final decision. 9 10 11 Dated: February 14, 2024 Respectfully submitted, 12 /s/ Marc Kalagian MARC KALAGIAN 13 (*as authorized via email on January 31, 2024) Attorney for Plaintiff 14 15 Dated: February 14, 2024 Respectfully submitted, 16 JASON M. FRIERSON 17 **United States Attorney** 18 /s/ Jeffrey E. Staples JEFFREY E. STAPLES 19 Special Assistant United States Attorney Attorneys for Defendant 20 21 IT IS SO ORDERED: 22 Lowek 23 HON. BRENDA WEKSLER UNITED STATES MAGISTRATE JUDGE 24 25 DATED: <u>2/16/2024</u> 26 2

CERTIFICATE OF SERVICE I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 6401 Security Boulevard, Baltimore, MD 21235. I am not a party to the above-entitled action. On the date set forth below, I caused a copy of the above **STIPULATION TO** VOLUNTARY REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) AND TO **ENTRY OF JUDGMENT FOR PLAINTIFF** to be served upon the following by: CM/ECF: Marc Kalagian Marc.Kalagian@rksslaw.com I declare under penalty of perjury that the foregoing is true and correct. Dated: February 14, 2024 /s/ Jeffrey E. Staples JEFFREY E. STAPLES Special Assistant United States Attorney